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09/748,668	12/22/2000	Kenneth A. Parulski	81268RLW	4659

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EXAMINER	
ROSENDALE, MATTHEW L	

ART UNIT	PAPER NUMBER
2612	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/748,668	PARULSKI, KENNETH A.	
	Examiner	Art Unit	
	Matthew L Rosendale	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15,16 and 24* is/are allowed.

6)☒ Claim(s) *1-14 and 17-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 December 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4,5,6*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "displays" having antecedence back to claim 1 where there is only one display disclosed being the display for showing the electronic image captured by the electronic imager. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, claim 10 will be interpreted as, "wherein said display comprises first and second parts of a continuous, pixilated panel."

Claim 12 recites the limitation "said archival capture unit". There is insufficient antecedent basis for this limitation in the claim having no archival capture unit in claim 1. For examination purposes claim 11 will be interpreted as being dependent from claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1 – 6, 8 – 12, 14, 17 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Schreiber.

Referring to claim 1, Inoue discloses a camera in figure 1 comprising a body (not illustrated), an electronic imager 15 for capturing an electronic image, a display body 21 operatively connected to the electronic imager 15 for showing the electronic image. Inoue does not disclose a white-compensator.

Schreiber discloses a camera system for scanning images comprising an electronic imager 24 in figure 1, a display 42 in figure 4 being operatively connected to the imager where the display shows the electronic image captured by the imager 24, and a white-compensator 44 neighboring the display for propagating neutral light at a preset color temperature independent of the electronic image (Col. 10, Lines 31 – 68). As stated by the applicant in the background of the invention, Schreiber propagates the neutral light so as to counteract the effects of the ambient lighting and allow the user to view what was captured in the scanned image to determine if the image is correct.

Therefore it would have been obvious to provide the white-compensator of Schreiber with the image capture/preview system of Inoue so that the user can properly view the reference electronic image to determine whether or not the corresponding image captured on film is acceptable.

2. Referring to claim 2, Schreiber discloses that the white-compensator 44 in figure 4 surrounds the image display (Col. 10, Lines 31 – 68).

3. Referring to claim 3, it is inherent that the white-compensator of Schreiber is at least as bright as said image display. Otherwise the white-compensator would not be able to counteract the affects of the ambient illumination (Col. 10, Lines 31 – 68).

4. Referring to claim 4, the image display of Schreiber defines a light image viewing zone extending outward from the display monitor where the white-compensator 44 emits light into the light image viewing zone external to the image display 46.

5. Referring to claim 5, the image display 46 of Schreiber is inset relative to he white-compensator shown in figure 4.

6. Referring to claim 6, Inoue discloses an LCD monitor 112 in figure 5 but does not specifically disclose a backlight. However, Official Notice is taken that non-emissive displays provided with backlights are well known in the art to be used for image preview and display.

Therefore it would have been obvious to provide a non-emissive display along with a backlight as the image display means of Inoue so that the electronic image display can be properly illuminated so the user can see the image even in low light conditions.

7. Referring to claim 8, Schreiber discloses that the image display is a CRT monitor which is emissive (Col. 10, Lines 31 – 68).

8. Referring to claim 9, Schreiber discloses that the white compensator 44 of figure 4 is non-pixilated (Col. 10, Lines 31 – 68).

9. Referring to claim 10, Inoue discloses a pixilated LCD panel having first and second parts for displaying image data and print information shown in figure 7.

10. Referring to claim 11, Inoue discloses an archival image capture unit in figure 1 for capturing an image on film 10 in addition to capturing an electronic image using an image pickup device 15 in figure 1. In addition, Inoue discloses an optical system comprising a first lens 1 to direct light to a film and a second lens 14 to direct light to an image pickup element 15.

11. Referring to claim 12, the archival capture unit of Inoue has a capture media 10 having a designated illuminant which is a property off the film being used and the camera includes a processor 18 for color balancing the verification image captured in correspondence to the film image.

12. Referring to claim 14, Inoue discloses a camera in figure 1 comprising a body (not illustrated), an electronic imager 15 for capturing an electronic image, a display body 21 operatively connected to the electronic imager 15 for showing the electronic image. Inoue does not disclose that the panel has a compensated mode wherein a border of the panel transmits neutral light at a preset first color temperature.

Schreiber discloses a document scanning camera device comprising an electronic image capture unit 24 in figure 1, a panel in figure 4 where a border of the panel 44 transmits neutral light at a preset first color temperature and a center of the panel 46 transmits a pixilated, colored image from the electronic image capture unit where the second color temperature is independent of the first color temperature (Col. 10, Lines 31 – 68). As stated by the applicant in the background of the invention, Schreiber propagates the neutral light so as to counteract the effects of the ambient lighting and allow the user to view what was captured in the scanned image to determine if the image is correct.

Therefore it would have been obvious to provide the compensated mode configuration of Schreiber with the image capture/preview system of Inoue so that the user can properly view the reference electronic image to determine whether or not the corresponding image captured on film is acceptable.

13. Referring to claim 17, it is inherent that the border of Schreiber that circumscribes the center of the panel and is at least as bright as the center. Otherwise the white-compensator would not be able to counteract the affects of the ambient illumination (Col. 10, Lines 31 – 68).

14. Referring to claim 18, Inoue discloses an archival image capture unit in figure 1 for capturing an image on film 10 in addition to capturing an electronic image using an image pickup device 15 in figure 1. In addition, Inoue discloses an optical system comprising a first lens 1 to direct light to a film and a second lens 14 to direct light to an image pickup element 15.

15. Referring to claim 19, Inoue discloses a method of operating a camera in figure 1 comprising a body (not illustrated), an electronic imager 15 for capturing an electronic image, a display body 21 operatively connected to the electronic imager 15 for showing the electronic image. In addition to capturing an electronic image, Inoue also captures a latent image on film 10. Inoue does not disclose a white-compensator.

Schreiber discloses a camera system for scanning images comprising an electronic imager 24 in figure 1, a display 42 in figure 4 being operatively connected to the imager where the display shows the electronic image captured by the imager 24, and a white-compensator 44 neighboring the display for propagating neutral light at a preset color temperature independent of the electronic image (Col. 10, Lines 31 – 68). As stated by the applicant in the background of the invention, Schreiber propagates the neutral light so as to counteract the effects of the ambient lighting and allow the user to view what was captured in the scanned image to determine if the image is correct.

Therefore it would have been obvious to provide the white-compensator of Schreiber with the image capture/preview system of Inoue so that the user can properly view the reference electronic image to determine whether or not the corresponding image captured on film is acceptable.

16. Referring to claim 20, Schreiber propagates the neutral white illumination so that the user can perceive at least a fraction of the color cast in the display image (Col. 10, Lines 31 – 68).

17. Referring to claim 21, Inoue discloses an archival image capture unit in figure 1 for capturing a latent image on film 10 in while to capturing an electronic reference image using an image pickup device 15 in figure 1.

18. Referring to claim 22, Inoue discloses a film 10 in figure 1 that uses a photo finishing color correction when developed inherent to the type of film being used and a color processor 212 and 213 in figure 36 for performing a color balance on the display image so that the electronic image is proportionally representative of the image captured on film.

19. Referring to claim 23, Schreiber discloses a white illumination that is inherent to be at least as bright as the display image otherwise the white-compensator would not be able to counteract the affects of the ambient illumination and the light from the image display would overpower the white illumination (Col. 10, Lines 31 – 68).

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Schreiber in further view of Ueda et al.

Referring to claim 7, the combination of Inoue and Schreiber fails to teach disposing a neutral density filter between a backlight and the image display. However, Ueda et al shows that it is well known to provide such a configuration. Figures 18 and 19 of Ueda shows an ND filter 11f disposed between a backlight 11a and an image display panel 11p. The ND filter is used to reduce the quantity of light around the edges of the display (Col 14, Lines 27 – 53).

Therefore it would have been obvious to provide the display configuration as shown by Ueda as the monitor of Inoue so that an image can be property displayed to the user in the correct lighting and reduce the effects of the backlight around the periphery of the display area to give the displayed image a more natural look to the user.

21. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Schreiber in further view of Pritchard.

Referring to claim 13, the combination of Inoue and Schreiber does not disclose a scene illuminant color sensor. However, Pritchard discloses that it is well known to use a scene illuminant color sensor to ascertain proper color balance of a scene being imaged. Shown in figure 1, the camera of Pritchard is provided with a color balance sensor made by a group of photo detectors 38 – 42 having color filters 46 – 50 to measure each color component of the received light (Col. 2, Lines 49 – 59). The output of the color balance sensor is used to determine if it is necessary to perform color correction of the captured image (Col. 1, Lines 41 – 60).

Therefore it would have been obvious to provide the scene illuminant color sensor of Pritchard with the image capture system of Inoue and Schreiber so that a proper color balance can be determined so that the camera can be adjusted for proper image capture.

Allowable Subject Matter

Claims 15, 16, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 15, the prior art fails to teach or suggest operating the panel in an uncompensated mode where the border and center transmit a common pixilated image from the electronic image capture unit at a single color temperature.

Referring to claim 24, the prior art fails to teach selectively alternating the steps of propagating the image and counteracting the ambient light.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L Rosendale whose telephone number is (703) 305-4909. The examiner can normally be reached on Monday - Friday 8: 00am-4: 00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLR

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